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July 16, 2021

**BY ECF**

Honorable Taryn A. Merkl  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Edo Gelbard, et al. v. City of New York, et al.  
20 CV 3163 (MKB) (TAM)

Your Honor:

I am a Senior Counsel in the Office of Georgia M. Pestana, Acting Corporation Counsel for the City of New York, and the attorney assigned to represent Defendants City of New York, Mayor Bill de Blasio, NYPD Commissioner Dermot Shea, and NYPD Chief of Department Terence Monahan in the above-referenced matter. Pursuant to the Court's June 30, 2021 Order, Defendants write to provide a status report concerning certain documents.

As Your Honor may recall, defendants are in the process of producing approximately 45,000 documents to plaintiffs in response to plaintiffs' request for the files that NYPD provided to the New York State Attorney General's Office and New York City Department of Investigation for their investigations into the NYPD response to the George Floyd protests. Defendants are on track to produce those files to plaintiffs by the current court-ordered deadline of August 1, 2021. Pursuant to the Court's June 30, 2021 Order, defendants provide herein the estimated number of records and the time needed to produce the following categories of documents:

1. Line of Duty Reports for members of the NYPD who were injured during the Demonstration

Upon information and belief, there are three Line of Duty Reports pertaining to the protests on June 3, 2020 at Cadman Plaza. Defendants will produce these reports with appropriate redactions for personal identifying information and subject to the Confidentiality Order issued in this matter on May 3, 2021 (ECF No. 25). Defendants estimate that these reports can be obtained and produced within thirty days of this letter.

2. Audio recordings of radio runs, 911 calls, and Sprint reports concerning the Demonstration

This Office is in receipt of seven Sprint reports that concern the June 3, 2020 protest at Cadman Plaza. In addition, this Office is in possession of approximately 13 hours of audio recordings of NYPD radio that contain radio transmissions for the area and time period in question. This Office will have to review those 13 hours of audio to determine the relevant radio transmissions and remove those that are not relevant before production to plaintiffs. In light of the other productions that are being made in this case, and other matters to which the undersigned must attend, defendants estimate that this production can be made by August 31, 2021.

3. Press Statements by the Office of Deputy Commissioner Public Information (“DCPI”) concerning the NYPD response to the George Floyd Protests

There were four press releases issued by the DCPI concerning protests from May 28, 2020 through June 8, 2020. None of the four press releases concern the protests on June 3, 2020 at Cadman Plaza. Nonetheless, defendants will produce the four press releases to plaintiffs by July 30, 2021.

4. Communications among Defendant NYPD Commissioner Dermot Shea, Defendant NYPD Chief of Department Terence Monahan, and Defendant Mayor Bill de Blasio concerning the George Floyd protests
5. Communications between Defendants Shea, Monahan, and de Blasio and third parties concerning the George Floyd protests

As discussed at the June 30, 2020 Status Conference, these two categories of documents are being produced in conjunction with the six cases in *In Re: New York City Policing During Summer 2020 Demonstrations* pending in the Southern District of New York, under lead docket number 20-CV-8924 (CM)(GWG), (hereinafter “Consolidated Cases”). This process is being done in the interest of judicial economy and to avoid reduplication of effort between the two pending litigations. Defendants can report that the parties are in the process of agreeing upon search terms for electronically stored information, including emails and text messages on work devices. As such, at this juncture, defendants cannot report the number of communications at issue because the universe of documents is still being negotiated between the parties. Defendants can confirm, however, that any communications regarding the June 3, 2020 protest at Cadman Plaza will be captured by the search being done in the Consolidated Cases, and therefore, the production will encapsulate the documents that plaintiffs seek in the instant matter.

6. Reports to the NYPD’s Intelligence Section concerning the George Floyd protests

There are 69 files relating to the NYPD Intelligence Division concerning the protests at issue. These files were provided to the Office of the New York State Attorney General and the New York City Department of Investigation as part of their investigations. As such, and in response to plaintiffs’ request for those files, these files will be produced to plaintiffs by August 1, 2021.

7. Disciplinary and personnel records for officers involved in policing the Demonstration, including but not limited to CCRB records, IAB records, and internal NYPD disciplinary records

CCRB has provided this Office with a list of investigations into the George Floyd Protests generally.<sup>1</sup> From that list, there are 16 CCRB investigations concerning the protest on June 3, 2020 at Cadman Plaza. According to CCRB, 8 of those investigations are completed and 8 are pending. This Office is in receipt of the CCRB files for the 8 completed investigations; however, we do not and will not have access to the pending investigations until they are fully resolved. With respect to IAB investigations, defendants can report that there are no investigations into the protests on June 3, 2020 at Cadman Plaza.

In addition, there are 15 IAB investigations into the George Floyd protests that were provided to the New York State Attorney General's Office. In response to plaintiffs' request for those files, this Office will be producing those 15 IAB files to plaintiffs in this matter. However, There are certain difficulties regarding the production of the aforementioned CCRB and IAB files including, but not limited to, their size; most of these investigations contain multimedia files such as photographs, audio recordings, and videos; and the fact that these files must also be produced in the Consolidated Cases. As a result, defendants are contemplating the best manner to produce these files to plaintiffs, including the potential for counsel to conduct an inspection of these files at the Office of Corporation Counsel. Nonetheless, defendants intend to produce these files by August 1, 2021.

8. Communications with the *Handschu* Committee concerning the George Floyd protests

According to the NYPD, there are no written records of communications to or from the *Handschu* Committee concerning the George Floyd protests.

Defendants thank the Court for its attention to this matter.

Respectfully submitted,



John L. Garcia  
*Senior Counsel*

cc: All counsel of record

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<sup>1</sup> Upon information and belief, this list has also been provided to plaintiffs' counsel through the Consolidated Cases.